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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 MELISSA ARAUJO,
15 Defendant.

CASE NO. 1:22-CR-00195-ADA-BAM
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER
DATE: 4/26/2023
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

16
17 This case is set for STATUS CONFERENCE on 4/26/2023. Plaintiff United States of America,
18 by and through its counsel of record, and defendant, by and through defendant's counsel of record,
19 hereby stipulate as follows:

20 1. By previous order, this matter was set for status on 4/26/2023.

21 2. By this stipulation, the parties move to vacate the status conference on 4/26/2023, and to
22 exclude time between 4/26/2023, and the date the defendant is arrested on the pending warrant, under 18
23 U.S.C. § 3161(h)(3)(A).

24 3. The parties agree and stipulate, and request that the Court find the following:

25 a) On February 24, 2023, the Honorable Barbara A. McAuliffe, U.S. Magistrate
26 Judge in and for the Eastern District of California signed a Pretrial Release Violation Petition
27 and issued a bench warrant for the arrest of Melissa Araujo. The Petition alleges that "the
28 defendant moved from her residence without the approval of her pretrial services officer" and

1 that “her whereabouts are currently unknown.”

2 b) Melissa Araujo is absent, as “his whereabouts are unknown and, in addition, he is
3 attempting to avoid apprehension or prosecution or his whereabouts cannot be determined by due
4 diligence.” *See* 18 U.S.C. § 3161(h)(3)(B).

5 c) The Speedy Trial Act provides that “[a]ny period of delay resulting from the
6 absence . . . of the defendant . . .” “shall be excluded in computing the time . . . within which the
7 trial . . . must commence.” 18 U.S.C. § 3161(h)(3)(A).

8 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 et seq., within which trial must commence, the time period of 4/26/2023 to the date the defendant
10 is arrested on the pending warrant, inclusive, is deemed excludable pursuant to 18 U.S.C. §
11 3161(h)(3)(A) because this period of delay has resulted from Melissa Araujo being absent.

12 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
13 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
14 must commence.

15 IT IS SO STIPULATED.

16 Dated: April 18, 2023

PHILLIP A. TALBERT
United States Attorney

17 /s/ ANTONIO J. PATACA
ANTONIO J. PATACA
Assistant United States Attorney

21 Dated: April 18, 2023

22 /s/ DAVID TORRES
DAVID TORRES
Counsel for Defendant
23 MELISSA ARAUJO

ORDER

IT IS SO ORDERED that the status conference set for April 26, 2023, is vacated and time is excluded until arrest. 18 U.S.C. § 3161(h)(3).

IT IS SO ORDERED.

Dated: April 19, 2023

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE